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UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 04-CV-10427-RGS

LAURA PATRICK, *
Plaintiff, *
*
v. *
*
JANSSON CORPORATION, *
Defendant. *

DEPOSITION OF LAURA PATRICK, taken
pursuant to the applicable provisions of the
Federal Rules of Civil Procedure, before Susan L.
Prokopik, Registered Merit Reporter and Notary
Public in and for the Commonwealth of
Massachusetts, at the offices of Riley & Dever,
P.C., 210 Broadway, suite 201, Lynnfield,
Massachusetts, on Tuesday, January 25, 2005, at
10:04 a.m.

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<p>1 APPEARANCES: 2 3 ON BEHALF OF THE PLAINTIFF: 4 5 THERESA FINN DEVER, ESQ. Riley & Dever, P.C. 210 Broadway, suite 201 Lynnfield, MA 01940 (781) 581-9880 6 7 ON BEHALF OF THE DEFENDANT: 8 9 DANIEL L. PALMQUIST, ESQ. Leonard, Street and Deinard 150 South Fifth Street, suite 2300 10 Minneapolis, MN 55402 (612) 335-1500 11 12 ALSO PRESENT: 13 Joel Rudy 14 15 16 17 18 19 20 21 22 23 24</p>	Page 2	Page 4
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<p>1 A. I'm not sure I quite understand what you're 2 saying. Just repeat that.</p> <p>3 Q. Okay. Ms. Osoff proposed a \$22 an hour wage 4 because you asked for a modified schedule, didn't 5 you?</p> <p>6 MS. DEVER: Objection.</p> <p>7 You can answer. I'm just stating an 8 objection.</p> <p>9 A. Yes.</p> <p>10 Q. Okay. She didn't say that she was paying you 22 11 -- going to pay you \$22 an hour because you're 12 female, did she?</p> <p>13 A. No.</p> <p>14 Q. She didn't propose that wage because you were 15 pregnant, did she?</p> <p>16 A. No.</p> <p>17 Q. Okay. She didn't propose that wage because you 18 took family and medical leave, did she?</p> <p>19 A. No.</p> <p>20 Q. Have you ever had your deposition taken before 21 today, Miss Patrick?</p> <p>22 A. No.</p> <p>23 Q. Do you understand the process and the purpose of 24 this deposition?</p>	<p>1 MS. DEVER: Okay.</p> <p>2 MR. PALMQUIST: And normal in Minnesota 3 as well.</p> <p>4 MS. DEVER: Okay.</p> <p>5 Q. It's very important that you answer verbally so 6 that the court reporter can record your 7 testimony.</p> <p>8 A. Okay.</p> <p>9 Q. If you please wait until I finish asking my 10 question until you start your answer, that will 11 help her in terms of transcribing everything that 12 happens here today. If you need a break at any 13 time, please let me know.</p> <p>14 Are you taking any medication today?</p> <p>15 A. No.</p> <p>16 Q. Okay. How are you feeling today?</p> <p>17 A. Fine.</p> <p>18 Q. What did you do to prepare for today's 19 deposition?</p> <p>20 A. I read through some notes that I wrote for my 21 lawyer.</p> <p>22 Q. Do you have those notes with you?</p> <p>23 A. Yes, I do.</p> <p>24 Q. *** Can I see them, please?</p>
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<p>1 A. Yes.</p> <p>2 Q. I will be relying on you to give me complete and 3 thorough answers to my questions regarding your 4 allegations of discrimination. If you don't 5 understand a question, please ask me to repeat it 6 or rephrase it as you have already done.</p> <p>7 A. Okay.</p> <p>8 MS. DEVER: Could I state something?</p> <p>9 When we start a deposition, we usually put some 10 stipulations on the record about objections. I 11 don't know if that's the practice in Minnesota 12 but --</p> <p>13 MR. PALMQUIST: If you want to tell me 14 what the stipulations are.</p> <p>15 MS. DEVER: Usually we would say that 16 the witness would have 30 days to review the 17 transcript once it is available to make any 18 corrections and to sign the transcript. And 19 usually we hold all objections except objections 20 as -- all objections as to form until the time of 21 trial except maybe objections as to privilege or 22 other such matters.</p> <p>23 MR. PALMQUIST: Those two stipulations 24 are acceptable.</p>	<p>1 MS. DEVER: No. They're 2 attorney-client privileged. It was a letter she 3 wrote to me.</p> <p>4 MR. PALMQUIST: She reviewed it to 5 refresh her recollection.</p> <p>6 MS. DEVER: That doesn't -- I mean, 7 it's still attorney-client privilege.</p> <p>8 MR. PALMQUIST: I'm afraid that the 9 rule is that if she used it to refresh her 10 recollection in preparation for the deposition 11 it's discoverable.</p> <p>12 MS. DEVER: That's not the rule.</p> <p>13 MR. PALMQUIST: You can mark that 14 portion of the deposition. We'll take that up at 15 another time.</p> <p>16 MS. DEVER: Okay.</p> <p>17 (***) Transcript marked.)</p> <p>18 Q. Did you review anything else?</p> <p>19 A. No.</p> <p>20 Q. Did you meet with your attorney?</p> <p>21 A. Yes.</p> <p>22 Q. When did you meet?</p> <p>23 A. Yesterday.</p> <p>24 Q. How long did you meet with her?</p>

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1 A. An hour and a half. 2 Q. Did you talk with anyone else? 3 A. No. 4 Q. Who have you talked to about your lawsuit or your 5 charge of discrimination against the company 6 other than your attorney? 7 A. My husband. 8 Q. Anyone else? 9 A. No. 10 Q. Have you asked anyone if they would be a witness 11 for you in this case? 12 A. Define "witness." 13 Q. Have you asked anyone to testify or provide 14 testimony in this case? 15 A. Yes. 16 Q. Who? 17 A. I spoke with Anne Rascoe. 18 Q. Anyone else? 19 A. Wendy. 20 Q. Wendy Canty? 21 A. Yes. 22 Q. Anyone else? 23 A. No. 24 Q. Did you talk with Nicole Lee?	1 adjusted accordingly because of the change in her 2 responsibilities. 3 Q. What else did she say? 4 A. That pretty much was the gist of the 5 conversation. We talked personal about our 6 children and that pretty much was it. I did ask 7 her if she would be supportive of me if I was to 8 talk to the lawyer about her situation. 9 Q. What did she say to that? 10 A. She said she would. 11 Q. And by "supportive," what do you mean? 12 A. She would write a letter and talk to the lawyer 13 over the phone. 14 Q. Talk to Ms. Finn Dever? 15 A. Yes. 16 Q. Did she write a letter to your knowledge? 17 A. Not that I know of. 18 Q. Do you know whether your lawyer had any other 19 conversations with her? 20 A. I believe she made a phone contact. 21 Q. Do you know when that might have been? 22 A. I really don't recollect. 23 Q. Was it shortly after you talked with Ms. Rascoe? 24 A. Yes. Because after I talked to Anne, I told
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1 A. No. 2 Q. Did you talk with Lucia McDougall? 3 A. No. 4 Q. Did you talk with Mike Stewart? 5 A. No. 6 Q. When did you speak with Anne Rascoe? 7 A. I don't know the exact date. I want to say maybe 8 two years ago. 9 Q. Did you speak with her by phone or in person? 10 A. By phone. 11 Q. Why did you call Anne Rascoe? 12 A. I called her because I believed her to have a 13 similar situation of mine and I wanted to get the 14 facts from her to make sure that my 15 interpretation of what I saw was correct before I 16 said anything to my lawyer. 17 Q. Did you speak with Anne before or after Mrs. Finn 18 Dever began representing you? 19 A. After. 20 Q. What did Ms. Rascoe tell you? 21 A. She told me that after she went out to have her 22 baby, she came back with reduced hours. And at 23 that time she was going to be taking reduced 24 responsibilities as well. And her pay scale was	1 Theresa about that and she scheduled the phone 2 conversation or Anne might have reached her. I'm 3 not sure how that actually unfolded but it was 4 after that. 5 Q. Did Ms. Rascoe tell you she felt that she had 6 been treated unfairly? 7 A. Yes. 8 Q. What did she say about that? 9 A. She said that in many respects she was still 10 doing the same responsibilities. She was pretty 11 much doing the same job and she felt that that 12 was unfair that her pay be adjusted. She 13 understood that her pay would be adjusted for 14 coming back to her job doing less 15 responsibilities but she actually wasn't doing 16 less responsibilities. Therefore, felt that she 17 should be paid what she was originally paid when 18 -- before she left because that's the job she was 19 still doing. 20 Q. I'm sorry. Perhaps I asked this. Did she write 21 a letter? 22 A. Not to my knowledge. 23 Q. Do you remember anything else about your 24 conversation with Miss Rascoe?

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<p>1 A. Not really, no.</p> <p>2 Q. Other than that contact approximately two years</p> <p>3 ago, have you spoken with her at all since then?</p> <p>4 A. No.</p> <p>5 Q. Has she contacted you at any time since then?</p> <p>6 A. Just after that a Christmas card. Picture of her</p> <p>7 daughter.</p> <p>8 Q. When did you speak with Wendy Canty?</p> <p>9 A. I believe I -- I think I spoke to Anne around</p> <p>10 Christmastime a couple years ago and I spoke to</p> <p>11 Wendy a couple months after that so it was early</p> <p>12 in the following year.</p> <p>13 Q. Would this be 2003?</p> <p>14 A. Yes. I believe so. I'm not exactly sure of the</p> <p>15 dates.</p> <p>16 Q. Did you speak with Wendy by phone or in person?</p> <p>17 A. By phone.</p> <p>18 Q. Did you call her or did she call you?</p> <p>19 A. I called her.</p> <p>20 Q. Why did you call her?</p> <p>21 A. I called her because I wanted to make sure before</p> <p>22 I presented her name to my lawyer that my</p> <p>23 impression of what I saw at work, I wanted to</p> <p>24 make sure that I had my facts before I approached</p>	<p>1 A. She worked in the office that the flow of human</p> <p>2 resource tasks happened. The accounting, report</p> <p>3 generation for different departments. It was an</p> <p>4 administrative-type office for the entire</p> <p>5 company.</p> <p>6 Q. Do you know what her job description was?</p> <p>7 A. No, I do not.</p> <p>8 Q. Who was her supervisor?</p> <p>9 A. I believe her direct supervisor was Pamela</p> <p>10 Greene.</p> <p>11 Q. Did Miss Canty tell you she ever complained about</p> <p>12 this?</p> <p>13 A. She told me that she was upset about it and that</p> <p>14 she had talked to Pamela about it several times.</p> <p>15 And I believe she also talked to Arlene about it.</p> <p>16 Q. Was there ever any resolution of that?</p> <p>17 A. I'm not aware if there was.</p> <p>18 Q. Was Miss Canty still working at Jansson when you</p> <p>19 had this conversation with her?</p> <p>20 A. No.</p> <p>21 Q. Did you ask Miss Canty to write a letter?</p> <p>22 A. I asked her if she would support me if it came to</p> <p>23 that. She said that she would be more than happy</p> <p>24 to and that Nicole went through a similar</p>
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<p>1 the lawyer. Her situation being similar to Anne</p> <p>2 Rascoe's.</p> <p>3 Q. What was your impression of work or what had</p> <p>4 happened at work?</p> <p>5 A. My impression was that she went out to have her</p> <p>6 child. She came back after her leave with</p> <p>7 reduced hours and she was paid a different rate</p> <p>8 for doing less responsibilities but it appeared</p> <p>9 to me that she was doing the same job. Just</p> <p>10 shorter hours.</p> <p>11 Q. What did Miss Canty tell you?</p> <p>12 A. She basically supported that observation.</p> <p>13 Q. Can you be a little bit more specific about what</p> <p>14 she said?</p> <p>15 A. I believe she said that when she came back --</p> <p>16 when she came back with her reduced hours, her</p> <p>17 pay was cut and that she would be doing less</p> <p>18 responsibility but in fact she was doing the same</p> <p>19 responsibility. She was working in the same</p> <p>20 office doing the same tasks.</p> <p>21 Q. Did she tell you she felt she had been treated</p> <p>22 unfairly?</p> <p>23 A. She felt that that was not fair.</p> <p>24 Q. What was Ms. Canty's job?</p>	<p>1 situation. That she would contact Nicole and</p> <p>2 have Nicole contact me. And she said if I needed</p> <p>3 a letter written or needed to talk to the lawyer,</p> <p>4 she would be more than happy to do that.</p> <p>5 Q. Do you know whether she did talk with your</p> <p>6 lawyer?</p> <p>7 A. That I don't remember. I think there might have</p> <p>8 been a phone call, not a letter, but I think</p> <p>9 there might have been a phone call but I'm not</p> <p>10 really sure.</p> <p>11 Q. You're not aware of any letter that she's written</p> <p>12 on your behalf?</p> <p>13 A. No.</p> <p>14 Q. Do you know whether she contacted Nicole Lee?</p> <p>15 A. She said that she left her a message and that</p> <p>16 Nicole said she would be willing to talk with me</p> <p>17 but it never materialized.</p> <p>18 Q. So did you have two conversations with Wendy?</p> <p>19 The first one where you asked her if she would</p> <p>20 support you and then a subsequent conversation</p> <p>21 when she told you she had left a message for</p> <p>22 Nicole?</p> <p>23 A. I -- yes, I believe we did because I connected</p> <p>24 with her again and she told me she had left a</p>